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\$ 3732 ✓

AMENDMENT TRANSMITTAL LETTER

Docket No.
OSTEONICS 3.0-380Application No.
10/071,667Filing Date
February 8, 2002Examiner
M. B. PriddyArt Unit
3732

Applicant(s): Kathy K. Wang, Nicholas N. Dong, and Michael Meehan

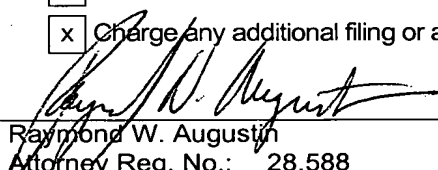
Invention: POROUS METALLIC SCAFFOLD FOR TISSUE INGROWTH

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|---|---|-----------------------------------|------|------|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 37 | - 81 = | | x | 0.00 |
| Independent Claims | 2 | - 6 = | | x | 0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 0.00 |

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.
Raymond W. Augustin
Attorney Reg. No.: 28,588

Dated: February 20, 2004

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 518-6318

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 20, 2004

Signature: 

(Raymond W. Augustin)

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MAR 01 2004

TECHNOLOGY CENTER R3700

(Raymond W. Augustin)

Application No.: 10/071,667

Docket No.: OSTEONICS 3.0-380

3. Fee (37 C.F.R. § 1.17(i) - \$130.00)

The fee required by is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$_____

☒ Charge to Deposit Account No. 12-1095

☐ to Credit Card as shown on the attached credit card information authorization form PTO-2038.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Dated: February 20, 2004

Respectfully submitted,

By 

Raymond W. Augustin

Registration No.: 28,588

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Docket No.: OSTEONICS 3.0-380
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Wang et al.

Application No.: 10/071,667

Group Art Unit: 3732

Filed: February 8, 2002

Examiner: M. B. Priddy

For: POROUS METALLIC SCAFFOLD FOR
TISSUE-INGROWTH

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Dear Sir:

This communication is in response to the Office Action mailed December 31, 2003, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-18 and 79, drawn to a porous metal scaffold, classified in class 623, subclass 11.11.

II. Claims 19-49, 61-69 and 80, drawn to a method of forming a porous scaffold and an intermediate product of said method, classified in class 623, subclass 23.58.

III. Claims 50-60, drawn to another method of forming a porous scaffold, classified in class 623, subclass 11.11.

IV. Claims 70-72, drawn to a method of improving stability of a porous scaffold in an orthopedic implant, classified in class 623, subclass 16.11.

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Dated: February 18, 2004

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(Raymond W. Augustin)

V. Claims 73-78 and 81, drawn to a method of improving stability of a porous scaffold in an acetabular cup implant and an associated acetabular cup, classified in class 623, subclass 22.21.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 1-18 and 79, drawn to a porous metal scaffold. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

Please cancel claims 19-78 and 81.